

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RAYMOND WATISON,
#1031835

Plaintiff,

vs.

INMATE DENTIST,

Defendant.

2:10-cv-01340-KJD-LRL

ORDER

On August 9, 2010, plaintiff submitted a pro se civil rights complaint as well as an application to proceed *in forma pauperis*. Plaintiff's application to proceed *in forma pauperis* is granted (docket #1).

On August 30, 2010, plaintiff filed a motion for leave to file an amended complaint (docket #2). Plaintiff's motion is granted. Plaintiff has thirty (30) days from entry of this Order in which to file an amended complaint.

Plaintiff is informed that the court cannot refer to a prior pleading in order to make plaintiff's amended complaint complete. Local Rule 15-1 requires that an amended complaint be complete in itself without reference to any prior pleading. This is because, as a general rule, an amended complaint supersedes the original complaint. *See Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967). Once

1 plaintiff files an amended complaint, the original pleading no longer serves any function in the case.
2 **Therefore, in an amended complaint, as in an original complaint, each claim and the involvement**
3 **of each defendant must be sufficiently alleged.**

4 **IT IS THEREFORE ORDERED** that plaintiff's application to proceed *in forma*
5 *pauperis* (docket #1) without having to prepay the full filing fee is **GRANTED**; plaintiff shall not be
6 required to pay an initial installment fee. Nevertheless, the full filing fee shall still be due, pursuant to
7 28 U.S.C. § 1915, as amended by the Prisoner Litigation Reform Act of 1996. The movant herein is
8 permitted to maintain this action to conclusion without the necessity of prepayment of fees or costs or
9 the giving of security therefor. This order granting *in forma pauperis* status shall not extend to the
10 issuance of subpoenas at government expense.

11 **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 1915, as amended by the
12 Prisoner Litigation Reform Act of 1996, the Nevada Department of Corrections shall pay to the Clerk
13 of the United States District Court, District of Nevada, 20% of the preceding month's deposits to the
14 account of Raymond Watison, **Inmate No. 1031835** (in months that the account exceeds \$10.00) until
15 the full \$350 filing fee has been paid for this action. The Clerk shall send a copy of this order to the
16 attention of Albert G. Peralta, Chief of Inmate Services for the Nevada Department of Prisons, P.O. Box
17 7011, Carson City, NV 89702.

18 **IT IS FURTHER ORDERED** that, even if this action is dismissed, or is otherwise
19 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the
20 Prisoner Litigation Reform Act of 1996.

21 **IT IS FURTHER ORDERED** that plaintiff's motion for leave to file amended
22 complaint (docket #2) is **GRANTED**.

23 **IT IS FURTHER ORDERED** that plaintiff will have **thirty (30) days** from the date that
24 this Order is entered to file his amended complaint. The amended complaint must be a complete
25 document in and of itself, and will supersede the original complaint in its entirety. Any allegations,
26 parties, or requests for relief from prior papers that are not carried forward in the amended complaint

1 will no longer be before the court.

2 **IT IS FURTHER ORDERED** that plaintiff shall clearly title the amended complaint
3 as such by placing the words "FIRST AMENDED" immediately above "Civil Rights Complaint
4 Pursuant to 42 U.S.C. § 1983" on page 1 in the caption, and plaintiff shall place the case number, **2:10-**
5 **CV-01340-KJD-LRL**, above the words "FIRST AMENDED" in the space for "Case No."

6 **IT IS FURTHER ORDERED** that if plaintiff does not timely file an amended complaint
7 in compliance with this order, this case may be immediately dismissed.

8 **IT IS FURTHER ORDERED** that the Clerk shall send to plaintiff a blank section 1983
9 civil rights complaint form with instructions along with one copy of the complaint submitted August 9,
10 2010 (docket #1-1).

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12 DATED this 27th day of October, 2010.

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15 UNITED STATES MAGISTRATE JUDGE
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